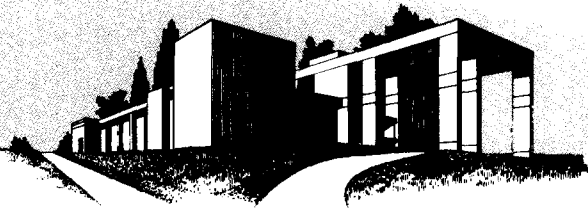


UNITED ELECTRIC COOPERATIVE, INC.

James R. Young, President
Donald A. Widder, General Mgr.

P.O. BOX 688, DuBOIS, PENNSYLVANIA 15801
PHONE: 814/371-8570



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May 22, 1992

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Federal Communications Commission
Office of the Secretary

MAY 26 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

FCC MAIL BRANCH

Dear Ms. Searcy:

Comments

Proposed Rule Making - Telephone Consumer Protection Act of 1991
CC Docket No. 92-90

United Electric Cooperative, Inc. (Unilec) is a consumer-owned electric cooperative that provides electric service to nearly 16,000 members. Its power lines extend into 10 counties in north central Pennsylvania. Unilec has an average density of five consumers per mile of electric line.

Communication in a rural setting is a special challenge for a consumer owned business/organization. We inform our members through member publications, special meetings and programs, as well as telephone communication. To cover the vast distances we try to make use of modern communication tools. We do so with the understanding that we need to use the appropriate technology for a given communication task.

We were the first rural electric cooperative in the United States to acquire and implement a telephone notification system. In 1987 the equipment the software, the planning and "message development" for the Unilec Notifier were assigned to Unilec's *communication* department. We could have assigned it to our data processing section or our marketing programs. . . We did not.

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We believe strongly that the Notifier is a *communication* function. We also believe that automated messages to our members must provide a valuable service. The last thing we want is to have the system become a nuisance. After all, the recipients of these messages are our members who own operate and control our cooperative – nine of them constitute our board of directors.

The Unilec Notifier has worked well. We provide messages on past due bills and on planned construction work. In both of these situations interruption of service is likely and we want our members to know about it. While we also employ other methods of notification via mail and publications many members have come to depend on the automated notification. We have made nearly 10,000 automated notifications since 1987 with virtually no complaints from the recipients of these messages.

In addition we notify our members of consumer meetings and other "need to know" information. We *do not* use the system for marketing projects. We do not believe that the medium is appropriate to the marketing task.

We strongly support the approach taken by the FCC in this *Notice of Proposed Rulemaking*. The FCC has recognized that there are many valuable uses of automatic telephone dialing systems that do not adversely affect the privacy rights that the Telephone Consumer Protection Act (TCPA) seeks to safeguard. Specifically, we support FCC's decision to grant exemptions in the case of calls:

- that are not made for a commercial purpose;
- that are made for a commercial purpose, but do not include the transmission of any unsolicited advertising;
- to any person with whom the caller has a current (or had a prior) business relationship (including calls made for debt collection); and
- by a tax exempt nonprofit organization

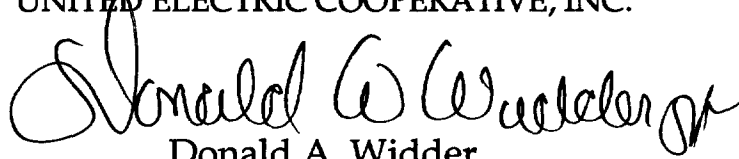
We also agree with the FCC's position that the exemption included in the TCPA for "emergency" calls should be interpreted in a broad manner to include calls made to inform consumers of power outages, power interruptions, load management programs, and similar situations.

We believe that the *Notice of Proposed Rulemaking* will allow beneficial uses of *automatic telephone dialing for notification* systems to continue. This is fully consistent with the intent of the TCPA which was intended to prevent intrusive telephone solicitation that attacks the privacy rights of individuals.

We respectfully request that you expeditiously issue a final rule to implement the TCPA, and that this final rule incorporate the exemptions that have been wisely included in the *Notice of Proposed Rulemaking*.

We appreciate the constructive approach taken by the FCC. There is no doubt that this proposed rule is in the best interest of the rural consumers served by Unilec.

Sincerely,
UNITED ELECTRIC COOPERATIVE, INC.



Donald A. Widder
General Manager

DAW:wlp